



State of Wisconsin
2015 - 2016 LEGISLATURE

LRB-2993/2
ZDW:klm

2015 SENATE BILL 381

November 12, 2015 - Introduced by Senators HARSDORF, OLSEN, PETROWSKI and RINGHAND, cosponsored by Representatives JARCHOW, BERNIER, CZAJA, EDMING, GANNON, HORLACHER, KLEEFISCH, KNODL, KRUG, MURSAU, A. OTT, QUINN, RIPP, SWEARINGEN, TITTL, DANOU, DOYLE, KAHL, MEYERS and MILROY. Referred to Committee on Transportation and Veterans Affairs.

1 **AN ACT to renumber and amend** 23.33 (5) (am) 1. and 23.33 (5) (am) 2.; **to**
2 **amend** 23.33 (1) (jp) and 23.33 (5) (b) 1m.; and **to create** 23.33 (1) (jpm), 23.33
3 (5) (am) 1. b. and 23.33 (5) (am) 3. of the statutes; **relating to:** the age
4 restriction for operation of a small utility terrain vehicle.

Analysis by the Legislative Reference Bureau

This bill defines “small utility terrain vehicle,” creates an exception from the prohibition on a person under the age of 16 operating a utility terrain vehicle (UTV), and increases the allowable engine size for a small all-terrain vehicle (ATV).

Under current law, a person may not operate, rent, or lease a UTV unless he or she is at least 16 years of age. An exception is made if the person is operating the UTV for an agricultural purpose and he or she is under the supervision of a person over 18 years of age. This bill defines “small utility terrain vehicle” as a UTV that has four wheels and that has either an engine certified by the manufacturer at not more than 200 cubic centimeters or an equivalent power unit. Under this bill, a person under the age of 16 but at least 12 years of age may operate a small UTV on an ATV trail designated by the Department of Natural Resources (DNR) if he or she is accompanied by his or her parent or guardian or by a person who is at least 18 years of age who is designated by the parent or guardian.

Under current law, a person who is at least 16 years of age and who was born on or after January 1, 1988, may not operate a UTV without a valid safety certificate. Under this bill, a person who is at least 12 years of age and who was born on or after January 1, 1988, may not operate a UTV without a valid safety certificate. Under

SENATE BILL 381

current law, subject to limited exceptions, no person under 12 years of age may operate an ATV. An exception is made for a person operating a small ATV on an ATV trail designated by DNR if the person is accompanied by his or her parent or guardian or by a person who is at least 18 years of age who is designated by the parent or guardian. "Small all-terrain vehicle" is defined as an ATV that has four wheels and that has either an engine certified by the manufacturer at not more than 90 cubic centimeters or an equivalent power unit. This bill increases the allowable engine size for a small ATV from 90 cubic centimeters to 130 cubic centimeters.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 23.33 (1) (jp) of the statutes is amended to read:

2 23.33 (1) (jp) "Small all-terrain vehicle" means an all-terrain vehicle that has
3 4 wheels and that has either an engine certified by the manufacturer at not more
4 than 90 130 cubic centimeters or an equivalent power unit.

5 **SECTION 2.** 23.33 (1) (jpm) of the statutes is created to read:

6 23.33 (1) (jpm) "Small utility terrain vehicle" means a utility terrain vehicle
7 that has 4 wheels and that has either an engine certified by the manufacturer at not
8 more than 200 cubic centimeters or an equivalent power unit.

9 **SECTION 3.** 23.33 (5) (am) 1. of the statutes is renumbered 23.33 (5) (am) 1.
10 (intro.) and amended to read:

11 23.33 (5) (am) 1. (intro.) ~~Except as provided in subd. 2., no~~ No person under 16
12 years of age may operate, rent, or lease a utility terrain vehicle unless ~~he or she is~~
13 ~~at least 16 years of age.~~ any of the following apply:

14 **SECTION 4.** 23.33 (5) (am) 1. b. of the statutes is created to read:

15 23.33 (5) (am) 1. b. He or she is at least 12 years of age, is operating a small
16 utility terrain vehicle on an all-terrain vehicle trail designated by the department
17 and he or she is accompanied by his or her parent or guardian or by a person who is
18 at least 18 years of age who is designated by the parent or guardian.

